

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMPIRE FIRE AND MARINE INSURANCE
COMPANY,

Plaintiff,

ORDER
16-CV-2990 (FB)

-against-

JOSEPH ALGERIO,

Defendant.

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GOLD, STEVEN M., U.S.M.J.:

Plaintiff has submitted an application asking the Clerk of Court to enter the default of defendant Joseph Algerio. Docket Entry 15. Plaintiff attempted to serve Algerio at an address in East Stroudsburg, Pennsylvania. The most recent documentation tying Algerio to that address, though, dates from January of 2011. Docket Entry 15-2. Moreover, when service was attempted at that address, the individual served denied any knowledge of Algerio. Docket Entry 15-4. A neighbor who spoke to plaintiff's process server similarly stated that Algerio is not connected to the East Stroudsburg address at which service was attempted. Docket Entry 15-7.

Plaintiff reports that efforts to locate Algerio have proven difficult, and that efforts to serve him at other potential addresses uncovered through investigation have not been successful.

For the reasons stated above, it does not appear that plaintiff has left a copy of the summons and complaint at Algerio's "dwelling or usual place of abode." Fed. R. Civ. P. 4(e)(2)(B); N.Y. C.P.L.R. 308(2). Accordingly, plaintiff may continue its efforts to serve Algerio; the Court extends the time for service pursuant to Fed. R. Civ. P. 4(m) until January 1, 2017. In the alternative, plaintiff may submit a formal motion by that date, supported by a memorandum of law, explaining why it contends the service it has already made is legally sufficient.

SO ORDERED.

/s/
Steven M. Gold
United States Magistrate Judge

Brooklyn, New York
November 21, 2016